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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,132	01/07/2004	Michael Porter	49433/RJW/P689	4436
23363	7590	08/21/2006	[REDACTED]	EXAMINER
CHRISTIE, PARKER & HALE, LLP				BROWN, VERNAL U
PO BOX 7068			[REDACTED]	ART UNIT
PASADENA, CA 91109-7068				PAPER NUMBER
				2612

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Please find below and/or attached an Office communication concerning this application or proceeding.

SK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/753,132	PORTER, MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vernal U. Brown	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

This action is responsive to communication filed on June 05, 2006.

### ***Response to Amendment***

The examiner has acknowledged the amendment of claims 1, 10, 15, 16, 19 , and the addition of claims 20-25.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 9-11 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Conley US Patent 7044302 and further in view of Ayala et al. US patent Application 20020024418.

Regarding claim 1, Cardinale et al. teaches a storage container for rigid control of access by users comprising: a housing; a cover (12) hingedly attached to the housing (figure 1); a lock incorporated into the cover for locking the cover to the housing (col. 8 lines 40-42). Cardinale et

al. teaches programming means for controlling the lock for defining the time of accessibility and inaccessibility (col. 12 lines 24-30) and a power supply (50) for providing electric power to the programming means (col. 10 lines 27-30). Partial open is considered open. Cardinale et al. is however silent on teaching defining spaced interval access times and the lock being programmed to automatically reset to the locked mode when the cover is opened and to immediately lock the cover to the housing upon closure. Conley in an art related programmable electronic time lock invention teaches programming time interval for the opening of a container and access to the lock is denied at other times than the programmed intervals (col. 5 line 35-col. 6 line 6). Ayala et al. in an art related security enclosure invention teaches a lock moving into the locked state when the door is closed (paragraph 004) representing a conventional practice in order to prevent unauthorized entry into the container and further increasing the security of the container.

It would have been obvious to one of ordinary skill in the art to modify the lockable storage of Cardinale et al. as disclosed by Conley in view of Ayala et al. because spaced interval access times and to automatically reset to the locked mode when the cover is opened and to immediately lock the cover to the housing upon closure allows more control of the access times to the container and further increase the security of the container.

Regarding claims 2-3, Cardinale et al teaches the lock comprises an electro-mechanical mechanism evidenced by the electrically operated deadbolt (col. 10 lines 18-24).

Regarding claim 9, Cardinale et al teaches receptacle 15 adapted to receive the bolts 17.

Regarding claim 10, Cardinale et al teaches a microprocessor 41 operatively connected to the cover by the keypad (figure 3).

Regarding claim 11, Cardinale et al teaches control keys 62, display 31 and an electronic memory (col. 9 lines 1-18) associated to the microprocessor 41.

Regarding claim 17, Cardinale et al teaches the programmable processor assembly which include the different components in figure 4 includes a power supply 50.

Regarding claim 18, Cardinale et al teaches the battery is internal to the container as shown in figure 3 and further implying that the battery is accessible only when the cover is opened because the cover control access to the internal of the container.

Claims 4 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Conley US Patent 7044302 in view of Ayala et al. US patent Application 20020024418 and further in view of Frank Patent Application 2126275.

Regarding claims 4 and 14-16, Cardinale et al. teaches the use of a deadbolt as the locking mechanism in the container but is silent on teaching the use of two reciprocating bolts which move in opposite directions to lock the cover to the housing. Frank in an art related latch mechanism teaches the use of use of two reciprocating spring loaded bolts which move in opposite directions to lock the cover to the housing (abstract) in order to provide a secure locking mechanism to secured the container.

It would have been obvious to one of ordinary skill in the art to have two reciprocating bolts which move in opposite directions to lock the cover to the housing in Cardinale et al in view of Ayala et al. as evidenced by Frank because Cardinale et al. suggests the use of a deadbolt as the locking mechanism in the container and Frank teaches the use of use of two reciprocating

bolts which move in opposite directions to lock the cover to the housing in order to provide a secure locking mechanism to secured the container.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Conley US Patent 7044302 in view of Ayala et al. US patent Application 20020024418 and further in view of Huff US Patent Application 20050135068.

Regarding claim 5, Cardinale et al. teaches the cover is attached to the housing by hinges (col. 8 lines 1-3) but is not explicit in teaching the cover is detachable. One skilled in the art recognizes that hinges are mounted in a fixed or detachable manner and Huff teaches a detachable cover (paragraph 0032) in order to facilitate the mounting of the electronic controls during the assembling of the container.

It would have been obvious to one of ordinary skill in the art to have a detachable cover in Cardinale et al. in view of Conley in view of Ayala et al. as evidenced by Huff because Cardinale et al. suggests the cover is attached to the housing by hinges and one skilled in the art recognizes that hinges are mounted in a fixed or detachable manner in order to facilitate the mounting of the electronic controls during the assembling of the container.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Conley US Patent 7044302 in view of Ayala et al. US patent Application 20020024418 in view of Huff US Patent Application 20050135068 and further in view of Cohn et al. US Patent 4846537

Regarding claims 6-7, Cardinale et al. teaches a cover 12 attached to the frame of the container (figure 1) but is not explicit in teaching the cover includes shaped protrusions and the

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housing includes detents for receiving and gripping the protrusions on the cover. Cohn et al. in an art related container invention teaches the cover of a container having protrusions and the housing includes detents for receiving and gripping the protrusions on the cover (col. 12 lines 35-42) for providing an interlocking mechanism between the cover and the housing of the container.

It would have been obvious to one of ordinary skill in the art for the cover include shaped protrusions and the housing includes detents for receiving and gripping the protrusions on the cover in Cardinale et al. in view of Conley in view of Ayala et al. in view of Huff as evidenced by Cohn et al. because the shaped protrusion on the cover and the detents on the housing provides an interlocking mechanism between the cover and the housing of the container

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Conley US Patent 7044302 in view of Ayala et al. US patent Application 20020024418 and further in view of Cohn et al. US Patent 4846537.

Regarding claim 8, Cardinale et al. teaches a cover 12 attached to the frame of the container (figure 1) but is not explicit in teaching the cover includes shaped protrusions and the housing includes detents for receiving and gripping the protrusions on the cover. Cohn et al. in an art related container invention teaches the cover of a container having protrusions and the housing includes detents for receiving and gripping the protrusions on the cover and the protrusions and the detents are engage by a snap fit (col. 12 lines 35-42) for providing an interlocking mechanism between the cover and the housing of the container.

It would have been obvious to one of ordinary skill in the art for the cover include shaped protrusions and the housing includes detents for receiving and gripping the protrusions on the

cover in Cardinale et al. in view of Conley in view of Ayala et al. as evidenced by Cohn et al. because the shaped protrusion on the cover and the detents on the housing provides an interlocking mechanism between the cover and the housing of the container

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Conley US Patent 7044302 in view of Ayala et al. US patent Application 20020024418 and further in view of Hanifl et al. US Patent 4863057.

Regarding claims 12-13, Cardinale et al. teaches a cover 12 attached to the frame of the container (figure 1) and the cover inherently return to its closed position when there is no means for holding the cover in the open position but is silent on teaching the housing and the cover includes a mutually engaging stop to prevent travel of cover more than 70 degrees from the closed position. Hanifl et al. in an art related container system invention teaches the use of a door stop to control the opening of a container in order to prevent the removal of certain items from the container (col. 1 lines 49-59) and one skilled in the art recognizes that a opened door returns to its closed position under the force of gravity when there is not a restraining force to keep the door open.

It would have been obvious to one of ordinary skill in the art to have mutually engaging stop to prevent travel of cover more than 70 degrees from the closed position in Cardinale et al. in view of Conley in view of Ayala et al. as evidenced by Hanifl et al. because controlling the opening of the door from the closed positioned protects the removal of certain objects from the container.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al.

US Patent 6825753 in view of Conley US Patent 7044302 in view of Ayala et al. US patent Application 20020024418 and further in view of Bonnice et al. US Patent 5016453.

Regarding claim 19, Cardinale et al teaches a programmable, automatically closing, and automatically locking storage container for rigid control of access to its contents by users, comprising: a housing (figure 1); a cover (12), said cover being attached to said housing by hinged moldings (col. 8 lines 1-3) as shown in figure 1; a computer (processor) controlled lock incorporated into the cover for locking the cover to the housing to prevent unauthorized access to the contents of the container (col. 9 lines 33-36). Cardinale et al teaches programmable computer being programmed to accept and store multiple variables and parameters for defining periods of accessibility and inaccessibility of variable duration (col. 12 lines 24-30). Cardinale et al teaches the battery is internal to the container as shown in figure 3 and further implying that the battery is accessible only when the cover is opened because the cover controls access to the internal of the container. Cardinale et al. is however silent on teaching defining spaced interval access times, the lock being programmed to automatically reset to the locked mode when the cover is opened and to immediately lock the cover to the housing upon closure and is also silent on teaching the power supply is incorporated in the cover. Conley in an art related programmable electronic time lock invention teaches programming time interval for the opening of a container and access to the lock is denied at other times than the programmed intervals (col. 5 line 35-col. 6 line 6). Ayala et al. in an art related security enclosure invention teaches a lock moving into the locked state when the door is closed (paragraph 004) representing a conventional practice in order to prevent unauthorized entry into the container and further increasing the security of the container.

Bonnice et al. teaches the incorporation of the power supply (36) in the door of the container in figure 3.

It would have been obvious to one of ordinary skill in the art to modify the lockable storage of Cardinale et al. as disclosed by Conley in view of Ayala et al. in view of Bonnice et al. because spaced interval access times and to automatically reset to the locked mode when the cover is opened and to immediately lock the cover to the housing upon closure allows more control of the access times to the container and further increase the security of the container and the mounting of the power supply in the door of the container simplifies the manufacturing process of the storage container.

Claim 20-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim US Patent 6510962 in view of Conley US patent 7044302.

Regarding claims 20-23 and 25, Conley teaches programming a lockable enclosure to unlock at particular time interval by the user entering a password when an indicator is illuminated (col. 5 lines 35-42, col. 5 lines 56-65) but is silent on teaching the spaced time interval is within a 24-hour period. Lim in an art related time release enclosure teaches programming a lockable enclosure in the form of a pill storage container to permit the user to unlock it only during specific spaced time intervals in a day defined during programming (col. 3 lines 1-30). Lim teaches the container is inaccessible during all other times than the preprogrammed timed interval (col. 7 lines 63-67, col. 9 lines 51-52). Lim teaches the container continue to operate based on the preprogrammed timed interval until the pill supply is exhausted

(col. 9 lines 18-28) and is therefore reprogram at the specific time of when the pill supply is exhausted.

It would have been obvious to one of ordinary skill in the art to modify the enclosure of Conley as disclosed by Lim because a 24-hour time period represents a convenient time period to monitor a patient reaction to a medication and make an adjustment to the dosage if necessary.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim US Patent 6510962 in view of Conley US patent 7044302 and further in view of Robinson US Patent 5129536.

Regarding claim 24, Conley in view of Lim teaches programming a lockable container permitting the user to unlock the container only during specific spaced time intervals (see response to claim 20) but is silent on teaching the container is a food container. Robinson in an art related time actuated lockable container teaches a food container that programmed to be open at specific times (col. 4 line 50-col. 5 line 20).

It would have been obvious to one of ordinary skill in the art to modify the container of Conley in view of Lim as disclosed by Robinson because in order to prevent dieters and children from accessing certain food except at predetermined time of the day.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Vernal Brown  
August 14, 2006



BRIAN ZIMMERMAN  
PRIMARY EXAMINER